

REMARKS

In item 1 the Examiner has objected to claim 22 because it recites the phrase "at least two" twice on line six. In compliance with the examiner's request Applicant has removed the first occurrence of the phrase on line 6. In addition, the Examiner objects to the term "the top" in claim 36 line 3 as lacking antecedent basis. In compliance with the Examiner's concerns Applicant has replace the word "the" with the word "a" to overcome this rejection.

Applicant believes that none of the amendments above add new matter to the specification.

PATENTABILITY ARGUMENTS

A. 35 U.S.C §102(b) Rejections

In order to maintain a rejection under 35 U.S.C. §102 (b) the reference must teach each and every aspect of the claimed invention.

The Examiner rejects claims 1-21 and 36-43 as being anticipated by Lebensfeld *et al.* patent no.: 3,736,694. Applicant respectfully disagrees. The Examiner states that Lebensfeld *et al.* Shows a pressure actuated bubble blow toy (figures 2 and 3) having a flexible vessel formed by bottom and side walls and defining an internal cavity and having at least one aperture at the end of neck, means for dispensing or channel connected to the aperture on the vessel, an exterior reservoir through a spigot and bubble wand. Based on the amendments, which more particularly point out and distinctly claim the subject matter disclosed in the specification, Applicant's device is a dispenser for supplying liquid, more particularly liquid soap, to the user's hand and also provides a reservoir to receive the liquid and a bubble wand allowing the user to blow bubbles. The device of Lebensfeld is merely a bubble toy that does not have a means for dispensing liquid to the user's hand. Neither the claims nor the specification disclose or teach this means for dispensing liquid. The means for dispensing identified by the Examiner, elements 32-34, is merely a tube for filling the reservoir in which the conjoined and integral bubble wand is submerged. In addition, Lebensfeld provides a splash plate 36, which prevents the liquid from being dispensed outside the reservoir such as to the user's hand, thereby preventing the dispensing capability of Applicant's device.

Consequently, Lebensfeld does not teach all the limitations of Applicant's inventions and in fact teaches away from the (soap) dispensing capability (for cleansing purposes) which is integral to Applicant's invention. Therefore, Applicant believes that the amended claims no longer warrant rejection based on

35 U.S.C. §102(b) and Applicant respectfully requests that the Examiner remove this rejection.

Next the Examiner rejects claims 22-27, 29-32, 34 and 35 under 35 U.S.C. §102(b) as being anticipated by US 4,418,843 to Jackman. Applicant respectfully disagrees. The Examiner states that Jackman shows a squeeze bottle dispenser (figure 1) having a flexible cylindrical wall and bottom defining a vessel with an internal cavity with two apertures dispensing means or nozzle connected to aperture 3 by channel 2, an external reservoir located on top of the vessel and retaining a quantity of liquid and having the dimensions able to receive a bubble wand. As with Lebensfeld above, Jackman does not teach a means for dispensing liquid to the user's hand. Neither the claims nor the specification disclose or teach this means for dispensing. The dispensing means identified by the Examiner, elements 2, 3 and 7, is merely a tube for filling the reservoir. In fact the angle of tube 2 in figure 1 at 7 prevents dispensing the liquid directly into a user's hand.

Consequently, Jackman does not teach all the limitations of Applicant's inventions and in fact teaches away from the (soap) dispensing capability (for cleansing purposes) which is integral to Applicant's invention. Therefore, Applicant believes that the amended claims, no longer warrant rejection based on 35 U.S.C. §102(b) and Applicant respectfully requests that the Examiner remove this rejection.

The Examiner states that "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim" (Ex parte Thibault), that "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims (in re Young) and that the doctrine of dependent claim differentiation, "liquid soap cannot be part of the combination of claims 22 and 31 because the liquid soap is explicitly recited in the dependent claims 29, 30, 34 and 35. In response to the Examiner recitation of the rules Applicant offers that a particular unique element of his invention is the fact that the liquid proposed for use with the device is commercially available liquid hand soap which can provide the unique cleansing capability of the hand soap selected, such as antibacterial elements, while simultaneously providing the detergent necessary to generate a bubble. If as the Examiner states that claims 29, 30, 34 and 35 are not patentable in view of the precedence cited then Applicant requests that the Examiner specifically state that Applicant remove these claims.

B. The 35 U.S.C §103(a) Rejections

In order to maintain a rejection under 35 U.S.C. §103(a) there must be some motivation to combine the teachings of the cited references, there must a

reasonable expectation of success when combining the teachings of the references and the references must teach or suggest all of the claim limitations.

The Examiner rejects claims 28-30, and 33-35 under 35 U.S.C. 103(a) as being unpatentable over Jackman in view of Lebensfeld. Applicant disagrees. The Examiner states that "Jackman shows all claimed features as discussed above except for the dispenser container a bubble wand and liquid soap. Lebensfeld shows a bubble blowing toy containing liquid soap and bubble wand". Therefore, "it would have been obvious to a person with ordinary skill in the art at the time the invention was made to use the device of Jackman to hold a bubble wand and liquid soap for easy and convenient refilling of the reservoir with bubble forming liquid as taught by Lebensfeld".

Neither the claims nor the specification of Jackman or Lebensfeld disclose or teach Applicant's means for dispensing liquid. The means for dispensing identified by the Examiner in Lebensfeld, elements 32-34, is merely a tube for filling the reservoir in which the conjoined and integral bubble wand is submerged. In addition, Lebensfeld provides a splash plate 36, which prevents the liquid from being dispensed outside the reservoir such as to the user's hand, thereby preventing the dispensing capability of Applicant's device. In Jackman the dispensing means identified by the Examiner, elements 2, 3 and 7, is merely a tube for filling the reservoir. In fact the angle of tube 2 in figure 1 at 7 prevents dispensing the liquid into a user's hand. Consequently, neither Lebensfeld nor Jackman teach all of the claim limitations of Applicant's invention.

Those skilled in the art at the time the invention was made would not have combined the teachings of Lebensfeld and Jackman as suggested by the Examiner. More particularly, what would be the significance of using "the device of Jackman to hold a bubble wand and liquid soap for easy and convenient refilling of the reservoir with bubble forming liquid as taught by Lebensfeld". One skilled in the art would recognize that if this were the invention a reservoir would be redundant. The user could use an open bottle of bubble fluid as is presently done to dip a bubble wand. What the Examiner may have overlooked is that Applicant's invention provides a dual use for a liquid soap dispenser by having a reservoir available for maintaining liquid soap that is sufficiently large to accommodate a bubble wand allowing the dispenser to be used simultaneously as a bubble toy. Consequently, if one skilled in the art combined the teachings of these two cited references they would not have a soap dispenser and bubble toy. What would result from the combination is a container of bubble fluid with a refillable reservoir, not a hand soap dispenser with a dual use as a bubble toy. Therefore, one skilled in the art would not be motivated to combine the references since such a combination would definitely not result in Applicant's invention.

Correspondingly, one skilled in the art would not have a reasonable expectation of success when combining the cited references because neither device is, nor does either specification teach, a combination soap dispenser and bubble toy.

The only expectation that could be expected by combining these references would be a container with a refillable reservoir for a bubble wand.


Consequently, there would have been no motivation to combine these references to achieve Applicant's invention nor any reasonable expectation of obtaining Applicant's invention after combining the references and since there is no disclosure of a means for dispensing liquid soap into the hands of a user in either reference, combining the references does not teach all of the limitations of Applicant's invention. Therefore, a rejection based on 35 U.S.C. 103(a) cannot be properly maintained and Applicant respectfully requests that the Examiner remove this rejection

CONCLUSION

Claims 1 through 39 have been amended to better articulate the limits of Applicant's invention. Applicant believes that none of the amendments constitute new matter and that the invention as claimed satisfies the statutory requirements for patentability. Applicant respectfully requests that the Examiner issue an allowance for these claims.

Respectfully submitted,

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